

**37.106.2805 DEFINITIONS**

The following definitions apply in this subchapter:

(1) "**Activities of daily living (ADLs)**" means tasks usually performed in the course of a normal day in a resident's life that include eating, walking, mobility, dressing, grooming, bathing, toileting and transferring.

(2) "**Administrator**" means the person designated on the facility application or by written notice to the department as the person responsible for the daily operation of the facility and for the daily resident care provided in the facility.

(3) "**Advance directive**" means a written instruction, such as a living will, a do not resuscitate (DNR) order or durable power of attorney (POA) for health care, recognized under state law relating to the provision of health care when the individual is incapacitated.

(4) "**Ambulatory**" means a person is capable of self mobility, either with or without mechanical assistance. If mechanical assistance is necessary, the person is considered ambulatory only if they can, without help from another person, transfer, safely operate and utilize the mechanical assistance, exit and enter the facility and access all common living areas of the facility.

(5) "**Assisted living facility**" is defined at 50-5-101, MCA.

(6) "**Change of ownership**" means the transfer of ownership of a facility to any person or entity other than the person or entity to whom the facility's license was issued, including the transfer of ownership to an entity which is wholly owned by the person or entity to whom the facility's license was issued.

(7) "**Department**" means the department of public health and human services.

(8) "**Direct care staff**" means a person or persons who directly assist residents with personal care services and medication. It does not include housekeeping, maintenance, dietary, laundry, administrative or clerical staff at times when they are not providing any of the above-mentioned assistance. Volunteers can be used for direct care, but may not be considered part of the required staff.

(9) "**Health care plan**" means a written resident specific plan identifying what ongoing assistance with activities of daily living and health care services is provided on a daily or regular basis by a licensed health care professional to a category B or C resident under the orders of the resident's practitioner. Health care plans are developed as a result of a resident assessment performed by a licensed health care professional who may consult with a multi-disciplinary team.

(10) "**Health care service**" means any service provided to a resident of an assisted living facility that is ordered by a practitioner and required to be provided or delegated by a licensed, registered or certified health care professional. Any other service, whether or not ordered by a physician or practitioner, that is not required to be provided by a licensed, registered, or certified health care professional is not to be considered a health care service.

(11) **"Involuntary transfer or discharge"** means the involuntary discharge of a resident from the licensed facility or the involuntary transfer of a resident to a bed outside of the licensed facility. The term does not include the transfer of a resident from one bed to another within the same licensed facility, or the temporary transfer or relocation of the resident outside the licensed facility for medical treatment.

(12) **"License"** means the document issued by the department that authorizes a person or entity to provide personal care or assisted living services.

(13) **"Licensed health care professional"** means a licensed physician, physician assistant-certified, advanced practice registered nurse, or registered nurse who is practicing within the scope of the license issued by the department of labor and industry.

(14) **"Mechanical assistance"** means the use of any assistive device that aids in the mobility and transfer of the resident. Assistive devices include but are not limited to, braces, walkers, canes, crutches, wheelchairs and similar devices.

(15) **"Medication administration"** means an act in which a prescribed drug or biological is given to a resident by an individual who is authorized in accordance with state laws and regulations governing such acts.

(16) **"Nursing care"** means the practice of nursing as governed by Title 37, chapter 8, MCA and by administrative rules adopted by the board of nursing, found at ARM Title 8, chapter 32, subchapters 1 through 17.

(17) **"Personal care"** means the provision of services and care for residents who need some assistance in performing the activities of daily living.

(18) **"Practitioner"** means an individual licensed by the department of labor and industry who has assessment, admission and prescription authority.

(19) **"PRN medication"** means an administration scheme, in which a medication is not routine, is taken as needed and requires the licensed health care professional or individual resident's cognitive assessment and judgement for need and effectiveness.

(20) **"Resident"** means anyone at least 18 years of age accepted for care in an assisted living facility.

(21) **"Resident agreement"** means a signed, dated, written document that lists all charges, services, refunds and move out criteria and complies with ARM 37.106.2823.

(22) **"Resident certification"** means written certification by a licensed health care professional that the facility can adequately meet the particular needs of a resident. The licensed health care professional making the resident certification must have:

- (a) visited the resident on site; and
- (b) determined that the resident's health care status does not require services at another level of care.

(23) **"Resident's legal representative"** or "resident's representative" means the resident's guardian, or if no guardian has been appointed, then the resident's family member or other appropriate person acting on the resident's behalf.

(24) **"Self-administration assistance"** means providing necessary assistance to any resident in taking their medication, including:

- (a) removing medication containers from secured storage;
- (b) providing verbal suggestions, prompting, reminding, gesturing or providing a written guide for self-administering medications;
- (c) handing a prefilled, labeled medication holder, labeled unit dose container, syringe or original marked, labeled container from the pharmacy or a medication organizer as described in ARM 37.106.2847 to the resident;
- (d) opening the lid of the above container for the resident;
- (e) guiding the hand of the resident to self-administer the medication;
- (f) holding and assisting the resident in drinking fluid to assist in the swallowing of oral medications; and
- (g) assisting with removal of a medication from a container for residents with a physical disability which prevents independence in the act.

(25) **"Service coordination"** means that the facility either directly provides or assists the resident to procure services including, but not limited to:

- (a) beauty or barber shop;
- (b) financial assistance or management;
- (c) housekeeping;
- (d) laundry;
- (e) recreation activities;
- (f) shopping;
- (g) spiritual services; and
- (h) transportation.

(26) **"Service plan"** means a written plan for services developed by the facility with the resident or resident's legal representative which reflects the resident's capabilities, choices and, if applicable, measurable goals and risk issues. The plan is developed on admission and is reviewed and updated annually and if there is a significant change in the resident's condition. The development of the service plan does not require a licensed health care professional.

(27) **"Severe cognitive impairment"** means the loss of intellectual functions, such as thinking, remembering and reasoning, of sufficient severity to interfere with a person's daily functioning. Such a person is incapable of recognizing danger, self-evacuating, summoning assistance, expressing need and/or making basic care decisions.

(28) **"Significant event"** means a change in health status that requires care from a licensed health care professional such as:

- (a) a change in resident services;
  - (b) explained or unexplained injuries to the resident that require medical intervention or first aid;
- or
- (c) resident on resident, resident on staff or staff on resident aggression.

(29) **"Therapeutic diet"** means a diet ordered by a physician or practitioner as part of treatment for a disease or clinical condition or to eliminate or decrease specific nutrients in the diet, (e.g., sodium) or to increase specific nutrients in the diet (e.g., potassium) or to provide food the resident is able to eat (e.g., mechanically altered diet).

(30) **"Third party services"** means care and services provided to a resident by individuals or entities who have no fiduciary interest in the facility.

(31) **"Treatment"** means a therapy, modality, product, device or other intervention used to maintain well being or to diagnose, assess, alleviate or prevent a disability, injury, illness, disease or other similar condition. (History: Sec. 50-5-103, 50-5-226 and 50-5-227, MCA; IMP, Sec. 50-5-225, 50-5-226 and 50-5-227, MCA; NEW, 2003 MAR p. 17, Eff. 12/27/02; AMD, 2004 MAR p. 1146, Eff. 5/7/04.)